

### REMARKS

Claims 1-4, 7 and 16-33 were previously withdrawn. Claims 5-6, 8-15 and 34 are pending in the current application. By the virtue of this amendment claims 5, 6, 8, 10-14 are amended. Claims 9, 15 and 34 are canceled. Claims 5-6, 8-15 and 34 are rejected under 35 U.S.C. § 112. The Applicant respectfully traverses the §112 rejections.

#### Finality of the Rejection

Referring to the Status paragraph of the Office Action Summary, box 2b is checked, indicating that the Office Action is non-final. However, par. 7 on pg. 4 of the Office Action indicates the opposite.

The Examiner is reminded that the claims pending in the current application are based on a RCE filed on January 6, 2006, therefore a final rejection is improper and should be withdrawn, if entered.

#### Entry of the Amendments

Referring to the Advisory Action dated November 5, 2005, the Examiner indicated that the proposed amendments in the Response to Final Office Action filed on October 6, 2005 were not going to be entered.

However, referring to Detailed Action section, on pg. 2 of the pending Office Action (dated April 6, 2006), the Examiner has now entered amendments to claims 5 and 8-13 as requested in the Response to Final Office Action filed on October 6, 2005. Regardless of this discrepancy, pursuant to 37 C.F.R. §1.116 the amendments should have been entered to put the application in better condition for allowance or appeal.

In light of the requirements of 37 C.F.R. §1.116 and the Examiner's comments in the pending Office Action, the current amendments and markups in the claim section are provided according to the amended language entered by the Examiner as noted on pg. 2 of the pending Office Action.

### §112 Rejections

Claims 5-15 and 34 were rejected under 35 USC §112 as indefinite. Independent claim 5 and dependent claims 6, 8 and 10-14 have been amended to further clarify features of the invention. No new matter has been added. Support for the amended language can be found in the specification and drawings, and particularly on pages 14, 15 and Figures 3, 15.

With respect to claim 5, the Specification at pages 14 and 15 and Figure 3 support and provide enabling disclosure for the recited language “incorporating training into the interactive device to generate learned content, in response to user-input to the interactive device during a predetermined time period.” Page 15, second par. of the Specification also provides that information can be inputted to the interactive device by a user, by way of a software or hardware module. The other language that examiner referred to (i.e., “determining an upgraded control module”) has been deleted. Therefore, rejections to claim 5 are now moot.

With respect to claim 12, the language considered by the Examiner as vague has been replaced by way of amending the claim to more distinctly claim the subject matter of the invention and to overcome the Examiner’s rejection.

Claims 15 and 34 have been cancelled, therefore the pending rejections pertaining to claims 15 and 34 are also moot.


For the above reasons, Applicant requests that the Examiner withdraw the §112 rejections. Pending claims should be now in condition for allowance.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have expressly argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,  
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